

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICKIE ROBE RICHBURG,

*Petitioner,*

v.

SUPERINTENDENT MARK GARMAN, *et al,*

*Respondents.*

Civil Action No. 2:19-cv-459

Hon. William S. Stickman IV

Hon. Maureen P. Kelly

**ORDER OF COURT**

AND NOW, this 31 day of January 2023, after Petitioner Rickie Robe Richburg (“Petitioner”) filed a Petition for Writ of Habeas Corpus (ECF No. 3), and after a thorough Report and Recommendation was filed by Magistrate Judge Maureen P. Kelly recommending the denial of all Petitioner’s claims and the denial of a certificate of appealability (ECF No. 20), and having received no objections,<sup>1</sup> the Court hereby ADOPTS Magistrate Judge Kelly’s Report and Recommendation as its Opinion.

IT IS HEREBY ORDERED that Petitioner’s Writ of Habeas Corpus is DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED. Reasonable jurists would not find the Court’s conclusion – i.e., that Petitioner’s claims are barred by the AEDPA’s one-year statute of limitations and are without merit – debatable or wrong.<sup>2</sup>

<sup>1</sup> Objections were originally due on November 14, 2022. The Court granted Petitioner two extensions of time. He failed to file any Objections by the January 25, 2023 due date.

<sup>2</sup> A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or

AND, IT IS FINALLY ORDERED that, pursuant to Federal Rule of Appellate Procedure 4(a)(1), if Petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided in Federal Rule of Appellate Procedure 3.

The Clerk is directed to mark this CASE CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S STICKMAN IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE

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wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004).